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July 29, 2022

Via ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Joint Status Report: *Suffolk County Water Authority v. The Dow Chemical Co. et al.*,
No. 2:17-cv-6980-NG-RLM

Dear Judge Mann:

On behalf of Plaintiff Suffolk County Water Authority (“SCWA”) and Defendants The Dow Chemical Company, Vulcan Materials Company, and Ferro Corporation, the Parties update below their progress regarding additional discovery items sought in response to the Court’s July 1, 2022 order on Defendants’ motion to compel production of SCWA’s SCADA database (Dkt. No. 316, “Order”).

SCWA sent a copy of a hard drive that has SCADA data to Defendants’ consultant. Upon receiving the hard drive, Defendants’ consultant has been unable to access the data on it. SCWA thus agreed to make its SCADA software developer, Systems Integrated, available to discuss the technical aspects of the data and data transfer, and agreed to work in good faith with Defendants’ consultant to ensure that Defendants’ consultant can access the SCADA data. A call among the parties’ counsel, Systems Integrated, and Defendants’ consultant to discuss this issue was had this week. Defendants and their consultant are evaluating the information they were provided during that call, and will continue to confer with SCWA and its consultant to work through the technical aspects involved with accessing the SCADA data. The parties will report to the Court on the status of Defendants’ ability to access the SCADA data by August 5.

* * *

The Parties will promptly bring to the Court any issues requiring earlier intervention following further good faith conferral.

Respectfully submitted,

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